

**OFFICIAL**

Attorney's Docket No.: 05542-459003  
Client's Ref. No.: 5353C1/CMP

**OFFICIAL COMMUNICATION  
FACSIMILE  
U.S. PATENT AND TRADEMARK OFFICE  
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**GROUP 1763 FAX NO: 703-872-9311**

Number of pages including this page 6

Applicant : Wallace T.Y. Tang  
Serial No. : 09/134,147  
Filed : August 14, 1998

Art Unit : 1763  
Examiner : Trung Dang

**FACSIMILE COMMUNICATION**  
Title : IN-SITU REAL-TIME MONITORING TECHNIQUE AND APPARATUS FOR  
DETECTION OF THIN FILMS DURING CHEMICAL/MECHANICAL  
POLISHING PLANARIZATION


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is a Response to Action of October 3, 2003 and a Notice of Appeal, faxed this 5<sup>th</sup> day of January, 2004, to Group 1763, the United States Patent and Trademark Office.

Respectfully submitted,

Date: January 5, 2004

  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAIL STOP AF  
Commissioner for Patents  
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RESPONSE TO ACTION OF OCTOBER 3, 2003

In reply to the Final Office Action of October 3, 2003, Applicant submits the following remarks.

Claims 11-19 and 32-41 were pending. Claims 11, 16, and 36 are independent claims. The Examiner has asserted that claims 36-41 are directed to an invention that is independent or distinct from the invention as originally claimed because claims 36-41 relate to a method while the originally filed claims related to an apparatus. The Examiner has constructively elected claims 11-19 and 32-35 and withdrawn claims 36-41. Claims 11-19 and 32-35 are now pending and stand rejected. Claims 11-13, 15, 16, 18, 33, and 34 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by Japanese Patent No. JP 57-138575 to Ogawa ("Ogawa"). Claims 14, 17, 19, 32, and 35 stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over Ogawa in view of U.S. Patent No. 6,413,867 B1 to Sarfaty ("Sarfaty").

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

January 5, 2004

Date of Transmission

Signature

Carlos A. Brasil

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